



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

**Internal Management and Fiscal
Responsibility Committee**

Friday, October 14, 2005
2:00 PM
Commission Chamber

Charles Anderson, CPA
Commission Auditor

111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Internal Management and Fiscal Responsibility Committee
Meeting Agenda**

Friday, October 14, 2005

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

2(A) & 2(A) Substitute	2(E)
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:
Douglas Pile, Esq., Legislative Analyst
Bia Marsellos, Legislative Analyst

IMFRC ITEM 2(A) & ITEM 2(A) SUBSTITUTE
October 14, 2005

LEGISLATIVE ANALYSIS

ITEM 2(A) ORDINANCE REPEALING SECTION 2-11.17 OF THE CODE RELATING TO RESIDENCY REQUIREMENTS.

Commissioner Sally A. Heyman, Commissioner Jose “Pepe” Diaz,
Commissioner Natacha Seijas, Commissioner Katy Sorenson

ITEM 2(A) SUBSTITUTE ORDINANCE REPEALING SECTION 2-11.17 OF THE CODE RELATING TO RESIDENCY REQUIREMENTS.

Commissioner Sally A. Heyman, Commissioner Natacha Seijas,
Commissioner Katy Sorenson

SUMMARY

Item 2(A)- This Ordinance repeals Section 2-11.17 of the Code of Miami-Dade County, Florida, as amended by Ordinance No. 05-88, eliminating the residency requirement for Miami-Dade County employees.

Item 2(A) Substitute- This Ordinance **does not** repeal Section 2-11.17 of the Code of Miami-Dade County, Florida, as amended by Ordinance No. 05-88, but authorizes the County Manager to waive the residency requirement when the available labor market does not provide qualified candidates.

PRESENT SITUATION

Section 2-11.17 of the Code, relates to the residency requirement for new County employees, providing a 15-month deadline for new hires to establish residency in Miami-Dade County. This section does not apply to employees hired prior to the adoption of the Ordinance in 1999.

The Employee Relations Department (ERD) publishes the residency requirement in all employment advertisements and a covenant is signed by prospective employees and notarized during their processing. Employees who do not establish residency before the deadline may be dismissed.

The County Manager is currently authorized to waive the residency requirement for humanitarian reasons and must submit a list of granted waivers to the Commission on a quarterly basis. A Residency Waiver Committee reviews each application on a case-by-case basis, and then forwards their recommendations to the Manager. According to ERD, only 33 requests for waivers have been received since the inception of the residency requirement.

Presently, all sworn classifications within the Corrections & Rehabilitation Department, Miami-Dade Fire Department and Miami-Dade Police Department are exempt from the

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October 14, 2005

residency requirement. The Aviation Department may hire non-county residents only for the Dade-Collier Training and Transition Airport. The Building Department may hire plans examiners and building inspectors in all trades who reside in Broward County.

POLICY IMPLICATIONS

Item 2(A)- This Ordinance repeals the residency requirement in its entirety for Miami-Dade County employees.

Item 2(A) Substitute- This Ordinance **does not** repeal the residency requirement, but authorizes the County Manager to waive the residency requirement when the available labor market does not provide qualified candidates.

ECONOMIC IMPACT

None.

COMMENTS AND QUESTIONS

- Monroe, Broward and Palm Beach Counties do not have a residency requirement.
- Eliminating the residency requirement provides a larger, more competitive applicant pool for the County.
- According to the Employee Relations Department, they have encountered problems with recruitment in the areas of auditing, financial, information technology and engineering trades with the current residency requirement in place.
- Number of waivers requested since 1999: 33;
- Number of waiver requests granted: 22
 - These waiver requests were granted for humanitarian reasons. (For example, taking care of an elderly or ill spouse or parent, special education needs of a child.)
- Number of waivers denied: 11
 - These waivers requests were denied because financial hardship is not a humanitarian reason.
- Number of employees who resigned in lieu of dismissal for non-compliance: 9;
- Number of employees who relocated to Miami-Dade County: 173.

LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO MEMBERSHIP ON COUNTY BOARDS; AMENDING SECTION 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REMOVE PROHIBITION AGAINST A PERSON SERVING ON MORE THAN ONE COUNTY BOARD SIMULTANEOUSLY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

Commissioner Dennis C. Moss

I. SUMMARY

This ordinance permits a person to sit on two County boards at the same time, with exceptions for several specified boards. Currently, persons may sit on only one board, unless the Commission determines that service on one board is a prerequisite for service on another board. A recent review of County board membership reveals significant high vacancy rates and low quorum rates for many County boards.

II. PRESENT SITUATION

Miami Dade County maintains an online database of all boards and councils, maintained by the Clerk of the Board, which currently displays 97 active boards in Miami Dade County. Most of these advisory boards were established by the Commission to help deal with the various duties and responsibilities of County government; however, several boards were created by state law or other action. (For example, the Industrial Development Authority and the Miami-Dade County Expressway Authority) County boards are generally governed by Ordinance 2-11.36, or by an ordinance or state law specific to a particular board.

The qualifications for a particular board may vary, as some require expertise or experience in a certain field, residency in a particular area, or membership in a certain organization. Some County boards have members appointed by entities other than the Commission, such as the Mayor, County Manager, Governor, or other governmental body.

Preliminary data, gathered by the Office of the Commission Auditor for a report in process, notes that for the past 12 months, 29 of the 98 boards listed on the County's Boards and Appointments website (as of March 31, 2005) had a high vacancy rate of 25% or greater, and 16 of these 29 boards had a vacancy rate of 40% or greater. Additionally, 21 of the 98 boards had a relatively low quorum rate of 80% or less, and 11 of these boards were deficient in both their vacancy rate as well as their quorum rate.

III. POLICY CHANGE AND IMPLICATION

This ordinance permits a person to sit on two County boards at the same time, unless approved by majority vote, with exceptions for several specified boards. This will permit the County to appoint persons who are active in the community to an additional board. Such appointments will reduce the vacancy rates and increase quorum rates of County boards. The exceptions to the appointment to an additional board appear to be for persons appointed to the more significant boards.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

The departmental contact person for each board should promptly notify the appropriate person whenever a vacancy exists, and forward the names of persons who have expressed an interest in serving on a board (if any) for consideration of appointment. This would further reduce the vacancy rates and increase quorum rates of County boards.